

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

AUTOMOTIVE FINANCE CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 1:06-CV-1317-DFH-JMS
	)	
VICTOR'S AUTO WORLD, INC. and	)	
VISHAMBER TUKREL,	)	
	)	
Defendants	)	

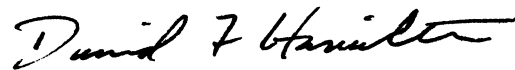
ENTRY ON MOTION FOR SUMMARY JUDGMENT

Plaintiff Automotive Finance Corporation loaned money to defendant Victor's Auto World, Inc., and the debt was secured by certain collateral and guaranteed by Victor's president, defendant Vishamber Turkel. Victor's defaulted on the debt, and plaintiff has sued to enforce the promissory note, security agreement, and guaranty. Plaintiff has also alleged that both Victor's and Mr. Turkel committed the crime of check deception by submitting payment checks knowing that the checks would not be honored, and that defendants failed to make payment to make the checks good after notice that they were dishonored. Plaintiff has also alleged that both defendants committed criminal deception and fraud by failing to hold purchase money in trust for the benefit of plaintiff, as required by the promissory note.

Plaintiff has filed a motion for summary judgment on all claims. Defendants sought and received several extensions of time to respond to the motion for summary judgment, but the last extension has expired without any response. Accordingly, the court treats as undisputed the facts asserted by plaintiff in its motion and supported by admissible evidence. The motion for summary judgment must be granted for the reasons stated in the moving papers. Avoiding double-counting, plaintiff is entitled to damages of \$491,330.46, plus costs and attorney fees of \$3,113.00. The damages amount reflects an award of treble damages for the criminal fraud and deception, as allowed by Indiana Code § 34-24-3-1, which appears to cover all of plaintiff's damages. Final judgment shall be entered, accordingly.

So ordered.

Date: April 4, 2007



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DAVID F. HAMILTON, JUDGE  
United States District Court  
Southern District of Indiana

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